IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 17739 of 2007(S)

AGAINST THE ORDER IN CMP.577/07 IN MC.61/2006 of FAMILY COURT, KASARAGOD

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PETITIONER:

SYED MOHAMMED KHAIRULLAH,
S/O. HAJEE SYED SAIFULLAH, RESIDING AT
KURTHIMAR, MALLAR, KAPU, P.O. MALLAR,
UDUPPI DISTRICT, KARNATAKA STATE.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:
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1. NILOFAR BANU, D/O.B.S.NIZAR AHAMMED,
RESIDING AT HALEEMA MANSION, BAPPAITHOTTI,
P.O. UPPALA, KASARAGOD TALUK & DISTRICT.

2. FATHIMA MIZNA, AGED 6 YEARS,
MINOR, REPRESENTED BY HER GUARDIAN MOTHER THE
1ST RESPONDENT.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ

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W.P.(C) NO. 17739 OF 2007

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Dated this the 18th day of June 2007

JUDGMENT

Kurian Joseph,J

The petitioner approached this Court mainly with the grievance that Ext.P5 petition for setting aside the exparte order in M.C. 61/2006 on the file of the Family Court, Kasaragod was not received on files. Hence, it is prayed that a direction may be issued to the court to receive the petition and consider the same on merits. We called for a report from the Family Court. It is reported that the court has not refused to accept any petition. It is further stated that the petitioner has not so far filed any petition before the court. The Family Court has further stated that no counter has been filed so far, as stated in the writ petition. Still further it is stated that the case now stands posted to 05.07.2007. If the petitioner duly files a petition before the Family Court, the matter will be considered in accordance with

law by the Family Court. In that view, it is not necessary to go into the various contentions placed by the petitioner or refer to the allegations raised therein.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

T.R. RAMACHANDRAN NAIR, JUDGE.

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